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TO: ATTENTION: Examiner Alpus Hsu Art Unit 2665	(571) 273-8300	United States Patent and Trademark Office	

Name:	Sender's Direct Dial:	Sender's Direct Email:
FROM: Micah D. Stolowitz	(503) 294-9189	mdstolowitz@stoel.com

Client: 44375	Matter: 21:1
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Date: February 21, 2006

No. of Pages (including this cover): 9

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COMMENTS:

APPLICATION NUMBER 09/888,085

Enclosed are the following documents.

1. Fee Transmittal (with copy for Deposit Account charge).
2. Response to Office action dated September 20, 2005, with request for extension of time included in response.

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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 225.00

Complete If Known

Application Number	09/888,085
Filing Date	June 22, 2001
First Named Inventor	Dan A. PRESTON
Examiner Name	Alpus Hsu
Art Unit	2665
Attorney Docket No.	44375/21:1

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 19-4455 Deposit Account Name: Stoel Rives LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s)
under 37 CFR 1.16 and 1.17☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
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Multiple dependent claims

360	180
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Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): Two-month extension of time to respond to Office action

225.00

SUBMITTED BY


Signature	<i>Micah D. Stolowitz</i>	Registration No. (Attorney/Agent)	32,758	Telephone (503) 294-9189
Name (Print/Type)	Micah D. Stolowitz	Date	February 21, 2008	

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to me (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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Date: 21 FEBRUARY 2006 By


George Painter

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**Dan A. Preston, Joseph D. Preston,
Robert Leyendecker, Wayne Eatherly,
and Rod L. Proctor**

Confirmation No. 8100

Application No.: 09/888,085

Group Art Unit: 2665

Filed: June 22, 2001

For: **NETWORK DELAY IDENTIFICATION
METHOD AND APPARATUS**

Attorney Docket No.: 44375/21:1

Examiner: HSU, Alpus

Date: 2/21/2006

RESPONSE TO OFFICE ACTION

In response to the Office Action mailed 09/20/2005, Applicant requests that the above-identified patent application be amended as follows.

- **Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.
- **Remarks** begin on page 5 of this paper.
- A two-month extension of time to respond is requested. (February 20 was a legal holiday in the PTO.)

02/23/2006 NNGUYEN1 00000100 194455 09888085

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